

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD E. ANAYA, ) No. C 08-04178 SBA (PR)  
Plaintiff, )  
v. )  
RONALD M. GEORGE, et al., )  
Defendants. )  
\_\_\_\_\_  
**ORDER ADMINISTRATIVELY  
CLOSING CASE; TERMINATING  
ALL PENDING MOTIONS AS  
MOOT; AND DIRECTIONS TO  
CLERK**

This instant action was opened when Plaintiff, a California prisoner incarcerated at Kern Valley State Prison and proceeding pro se, filed a document entitled "Motion of Objection to Defendant(s) Demurrer Notice Objections(s) With Memorandum of Points and Authorities in Support Thereto Complaint." The caption of the document identifies the "United States District Court of the Northern District of California" as the presiding court; however, the text of the document reveals that Plaintiff is attempting to submit a brief in a civil action filed in the San Francisco County Superior Court, Anaya v. George, et al., Case No. CGC-07-469087. According to Plaintiff's attachments, a judgment was entered by the superior court on June 23, 2008, stating "[t]he Demurrer of Defendants Ronald M. George and Rise Jones Pichon having been sustained without leave to amend, Judgment is entered in favor of Defendants and against Plaintiff Richard E. Anaya."

24       Accordingly, as the instant action was opened in error when Plaintiff mistakenly sent to this  
25 Court a document he apparently intended to file in the San Francisco County Superior Court, the  
26 Clerk of the Court is hereby DIRECTED to administratively close the case. If Plaintiff seeks to  
27 appeal the June 23, 2008 judgment filed in the San Francisco County Superior Court, he must follow  
28 the procedures for appealing from a judgment or order of a state superior court.

1       Because the instant action was opened in error, all pending motions (docket nos. 2, 4) are  
2 terminated as moot, and no filing fee is due.

3       This Order terminates Docket nos. 2 and 4.

4       **IT IS SO ORDERED.**

5       DATED: 4/29/09

*Saundra B. Armstrong*  
6       SAUNDRA BROWN ARMSTRONG  
7       United States District Judge

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 RICHARD E. ANAYA,

5 Plaintiff,

6 v.

7 RONALD M. GEORGE et al,

8 Defendant.

Case Number: CV08-04178 SBA

**CERTIFICATE OF SERVICE**

9  
10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
Court, Northern District of California.

11 That on April 30, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
located in the Clerk's office.

14

15 Richard E. Anaya P-36075  
16 Kern Valley State Prison  
17 P.O. Box 6000  
18 Delano, CA 93216-6000

19 Dated: April 30, 2009

Richard W. Wiking, Clerk  
By: LISA R CLARK, Deputy Clerk

20

21

22

23

24

25

26

27

28